

MINUTES OF REGULAR PLANNING BOARD MEETING OF DECEMBER 20, 2010
Held at 7:00 p.m., Planning Board Meeting Room #315, Town Office Building
400 Slocum Road, Dartmouth, MA

Planning Board

Mr. John V. Sousa, Chairman
Mr. John P. Haran, Vice Chairman
Mr. Joseph E. Toomey, Jr., Clerk
Mrs. Lorri-Ann Miller
Mr. Arthur C. Larrivee

Planning Staff

Mr. Donald A. Perry, Planning Director
Mrs. Joyce J. Couture, Planning Aide

The Chairman called the meeting to order at 7:00 p.m. with four Planning Board members and Planning staff present. Mr. Haran arrived a few minutes late.

Administrative Items

(1) Approval of Minutes

Regular Meeting of December 6, 2010

A motion was made by Mr. Larrivee, duly seconded by Mr. Toomey for discussion, and unanimously voted (4-0) to approve the minutes of the regular Planning Board meeting of December 6, 2010 as written.

(2) Update on Planning Board's F/Y'11 budget through November

A motion was made by Mr. Toomey, duly seconded by Mr. Larrivee, and unanimously voted (4-0) to acknowledge and file the Planning Board's F/Y'11 budget update through November.

(3) Release of surety in the Farm Field/Still Meadow Condominium In Padanaram Acres

The Planning Director noted that the Department of Public Works has confirmed that all the work has been completed according to the approved plans. He said the release of surety needs to be authorized by both the Planning Board and the Board of Appeals and the Board of Appeals conditionally approved the release at their last meeting. Mr. Perry recommended the Planning Board vote to release the funds.

A motion was made by Mrs. Miller, duly seconded by Mr. Larrivee, and unanimously voted (4-0) to authorize the Town Treasurer to release the surety held for the Farm Field/Still Meadow Condominiums in Padanaram Acres in the amount of \$34,000.

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(4) Update on Project Timeline Chart

Discussion ensued on the updated project chart which identified new timelines for the revised Section 16 zoning article.

There was some question as to the exact date of Spring Annual Town Meeting and staff was to inquire as to whether a date has been set. Additionally, the chart was to be revised by incorporating all original dates and tasks on the Section 16 zoning.

Mr. Haran arrived at this time being 7:07 p.m.

(6) Initial review of Off-Street Parking Plan entitled "Stephen's Hair Salon"

present Richard Rheume, Prime Engineering, Inc.

The Planning Director reported that he attended a meeting on Friday, December 17th with Town Counsel, Andy Bobola, Attorney Burke (representing the applicant), and Rich Rheume (engineer for applicant) to discuss a plan of action to solve the dilemma of providing enough onsite parking spaces but also down size the business so that the standards of Section 16 and the aquifer district are not overly compromised. He noted the submitted plan underestimates the required number of parking spaces and consequently, the plan will need to be revised. He said the applicant has agreed to provide a time extension on the Planning Board's deadline for action.

Lengthy discussion ensued. Several Board members expressed concern that the business has outgrown its location and maybe it's time to find a more appropriate site.

After a substantial exchange of ideas, the following items were identified as needing to be addressed:

1. The Planning Board would like Mr. Rheume to prepare two parking plans. One plan showing full compliance with Section 16 standards. A second plan showing 27 parking spaces with the need for variances.
2. The 27 parking space plan should incorporate the following:
 - A. A landscaped buffer between Champion Terrace and the parking facility. This should be at least 10 feet wide.
 - B. A sidewalk with curbing along the Champion Terrace frontage.
 - C. A plan for recharging roof runoff with calculations for the Department of Public Works to review.
 - D. Curbing and stormwater treatment for the proposed paved parking areas satisfactory to the Department of Public Works.

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- E. The rear area of the parking area to be porous pavers filled with grass.
- F. Parking spaces should be at least 9 feet wide.
- G. Show proposed surface contours of the proposed paved area so the Department of Public Works can determine how surface water runoff will be directed.
- H. Employee spaces could be placed back to back to provide more on-site parking spaces.
- I. The bumper overhang area of the parking spaces along the north side should be unpaved and added to the 1-foot existing buffer. This strip should then have evergreen ground cover and the fence be planted with evergreen vines to create the best vegetated buffer possible along the residential boundary.

Once the above items are completed, Mr. Rheaume should contact Planning staff for a draft review. If the plan revisions are acceptable, the plan can then be distributed to the Off-Street Parking Plan Reviewers prior to placement on the agenda for Planning Board review.

Additionally, the Planning Board agreed to extend the deadline for action on the Off-Street Parking Plan for Stephen's Hair Salon from January 8, 2011 to March 8, 2011.

(5) Response to Bylaw Review Committee

The Planning Director reported that the Bylaw Review Committee has been reviewing the various Town bylaws for relevancy and asking Boards and officials for their opinions regarding certain bylaws. He stated the Planning Board is being asked a couple of questions regarding sidewalks which appear in the General Bylaws.

Discussion ensued.

Concluding, the Planning Board decided the following response would be appropriate:

1. *With respect to Section 12 of the General Bylaws regarding sidewalk sales in public ways.*

This is a regulation of temporary activities in public ways. The Select Board has jurisdiction of activities in public ways which is appropriately regulated in the General Bylaws. Town Counsel would probably affirm that moving the bylaw to the Zoning Bylaws as proposed is not the legally correct location for such a bylaw. This section needs to remain in the General Bylaws.

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2. *With respect to Section 16 of the General Bylaws regarding sidewalk construction in public ways under the Betterment Act.*

Again, this is regulation of activities in the public way which should remain in the General Bylaws. Moving this section to the Subdivision Regulations would be inappropriate since the Planning Board's Subdivision Regulations only regulate private property. This section should remain in the General Bylaws, but the Planning Board would suggest that it could be updated with the following language:

SECTION 16.SIDEWALKS

All sidewalks constructed in public ways within the town under the Betterment Act, so-called, shall be constructed in accordance with the current standards regarding sidewalks in the Dartmouth Subdivision Regulations.

(7) Discussion of Long Range Planning Projects

The Planning Director stated that as a result of the meeting with Town Counsel, it was confirmed that the Planning Board would continue with its update of Section 16 and the Planning Board would review the updated Section 16 draft bylaw again, section by section.

However, Mr. Perry noted that while reviewing Section 16, he would also like to work on finalizing a Solar Farm Bylaw and update the Limited Industrial District Bylaw. He also mentioned that David Cressman has asked us to develop a Directional Sign Bylaw and he would like the Planning Board to look at creating a mixed use/village business zone for Old Westport Road between State Road and Chase Road.

Discussion ensued.

Board members clearly felt Planning has a process for bylaw development through its Long Range Priority List which is discussed and voted on annually. Board members wanted to know more information on the importance/value of Mr. Cressman's request and asked that Mr. Cressman put this request in writing with a more detailed explanation. It would then be placed on the list for discussion and see where it falls on the priority list since it clearly would take significant staff time.

(8) Planner's Report

- The Planning Director mentioned that WalMart is hoping to do an expansion onsite and will be asking to meet with the Planning Board for an informal discussion.
- Mr. Perry stated that DCTV will be coming in with a striping plan for their parking lot at Old Town Hall.

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- The Planning Board needs to prepare two budgets. A level funded budget and a budget showing a 5% reduction.
- The Planning Director mentioned he met Paul Murphy, the new Director of Inspectional Services, whose current job is in Falmouth.

(9) For Your Information/New Business

- Notice from Board of Appeals
- Planning staff time sheets

The Chairman mentioned he spoke with Dave Cressman about alternating Monday evening meetings in the Select Board's meeting room. He said Dave Cressman was to discuss it with the Select Board and get back to us.

John Haran mentioned there is a Charter Review Meeting scheduled for January 12th at 4:00 p.m.

The Chairman asked if there was any other business this evening. There was none. Mr. Sousa noted that the next Planning Board meeting is scheduled for January 10, 2010, in room #315, Town Office Building, 400 Slocum Road. He then called for a motion to adjourn.

A motion was made by Mr. Haran, seconded by Mr. Toomey, and unanimously voted (5-0), to adjourn this evening's regular meeting at 9:27 p.m.

Respectfully submitted,
Mrs. Joyce J. Couture
Planning Aide